

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

DEBRA D.<sup>1</sup>,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

5:22-CV-05049-DW

REDACTED  
ORDER GRANTING MOTION FOR  
ATTORNEY FEES

Plaintiff Debra D. filed a motion for attorney's fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Doc. 20). The Defendant does not oppose the request. (Doc. 23). Accordingly, it is

ORDERED that Plaintiff's motion (Doc. 20) is granted. It is further

ORDERED that Plaintiff is entitled to costs in the sum of \$415.35 (comprised of \$402 in court filing fees and \$13.35 in copying costs) to be paid from the Judgment Fund pursuant to 28 U.S.C. § 1920. It is further

ORDERED that Plaintiff is entitled to attorney's fees in the sum of \$3,541.13 (comprised of \$3,325.00 in attorney's fees and \$216.13 in state and

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<sup>1</sup> The Administrative Office of the Judiciary suggested the court be more mindful of protecting from public access the private information in Social Security opinions and orders. For that reason, the Western Division of the District of South Dakota will use the first name and last initial of every non-governmental person mentioned in the opinion. This includes the names of non-governmental parties appearing in case captions.

local sales tax on the attorney's fees) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. It is further

ORDERED that the Plaintiff is entitled to postage expenses in the amount of \$17.28, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412; It is further

ORDERED that under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by the court belong to the Plaintiff and are subject to offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B) (2006). It is further

ORDERED that the EAJA fees shall be paid to Plaintiff Debra D. but delivered to Plaintiff's attorney, Michael Simpson, 1600 Mountain View Road, Suite 110, Rapid City, SD 57702.

DATED this 15<sup>th</sup> day of March, 2023.

BY THE COURT:



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DANETA WOLLMANN  
United States Magistrate Judge